

### REMARKS/ARGUMENTS

Applicants respectfully request reconsideration of this application. No claims have been added. Claims 1 and 4 have been amended. Claims 2-3 have been canceled without prejudice.

#### **Rejections Under 35 U.S.C. § 112**

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Accordingly, Applicants have amended claim 1 to overcome the rejection. The Examiner is respectfully requested to withdraw the rejection.

#### **Double Patenting**

Claims 1-44 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-28 of Jones et al. (U.S. 6,438,638; hereinafter, "Jones") in view of Lin et al. (U.S. 6,405,323; hereinafter, "Lin"). A terminal disclaimer under 37 C.F.R. § 1.321(c) is submitted with the current response to obviate the double patenting rejection. Applicants respectfully request the Examiner to withdraw the rejection.

Claims 1-44 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of and claims 1-23 of co-pending Application Nos. 10/002,567 and 10/167,925 in view of Lin. A terminal disclaimer under 37 C.F.R. § 1.321(c) is submitted with the current response to

obviate the double patenting rejection. Applicants respectfully request the Examiner to withdraw the rejection.

### Rejections Under 35 U.S.C. § 103(a)

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin in view of Hosaka et al. (US 6,408,352; hereinafter, "Hosaka"). Applicants respectfully traverse the rejection. Applicants have amended claim 1 to include substantially all the limitations of claims 2 and 3, where the Examiner indicated that claim 3 includes allowable subject matter. Note that although Applicants do not agree with the Examiner's reasons for the rejection nor concede that it is necessary to amend claim 1, Applicants have chosen to amend claim 1 accordingly to expedite issuance. Therefore, claim 1 as amended is patentable over Lin in view of Hosaka for at least this reason. Applicants respectfully request the Examiner to withdraw the rejection.

### Allowable Subject Matter

The Examiner indicated in the Office Action that claims 3-12 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph, and the double patenting rejection set forth in the Office Action, and to include all of the limitations of the base claim and any intervening claim. Applicants respectfully submit claim 1 has been amended to include substantially all of the limitations of claims 2 and 3 and the other rejections have been overcome by the amendment and/or the terminal disclaimer enclosed. Therefore, claims 1 and 4-12 are now in condition for allowance and such action is earnestly solicited.

The Examiner indicated in the Office Action that claims 3-12 would be allowable if the double patenting rejection set forth in the Office Action is overcome. Applicants respectfully submit that the terminal disclaimer enclosed overcomes the double patenting rejection, and hence, claims 13-44 are in condition for allowance and such action is earnestly solicited.

## CONCLUSION

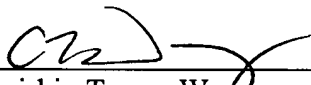
Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call C. Teresa Wong at (408) 720-8300, x377.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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